

REMARKS

Applicants respectfully request reconsideration of this application in view of the following remarks.

Teleconference with Examiner Beaulieu

Applicants conducted a teleconference with Examiner Beaulieu on May 13, 2005. During the teleconference, Applicants informed the Examiner that a preliminary amendment for this case was filed on February 5, 2004 and thus the current Office Action was erroneously prepared in view of claims submitted prior to the preliminary amendment. In response, the Examiner indicated that he did not have a complete copy of the preliminary amendment and that he prepared the Office Action based on claims submitted in a preliminary amendment dated February 28, 2002. In light of this, the Examiner indicated that he would prepare a non-final Office Action in view of the February 5, 2004 preliminary amendment if Applicants submit a copy of the February 5, 2004 preliminary amendment and proof that it was properly filed and received by the U.S. Patent and Trademark Office.

Facts Supporting the Submission of the Preliminary Amendment dated February 5, 2004

Applicants submitted a preliminary amendment for this case on February 5, 2004. To support this, Applicants submit the following:

- 1) A copy of the Preliminary Amendment Under 37 C.F.R. § 1.115 dated February 5, 2004.

- 2) A copy of a postcard date stamped by the U.S. Patent and Trademark Office indicating that the preliminary amendment was received on February 9, 2004.

As indicated by the submissions, the preliminary amendment was received by the U.S. Patent and Trademark Office on February 9, 2004. As such, Applicants request that a new non-final Office Action be submitted based on the claims of the preliminary amendment dated February 5, 2004.


Rejections to the Claims in the Current Office Action

Applicants have not independently addressed the rejections of the claims in the current Office Action because Applicants submit that in view of the claims presented in the February 5, 2004 preliminary amendment the rejections to the claims are rendered moot. Applicants however, reserve the right to address any individual rejections of the claims should such be necessary or appropriate.

CONCLUSION

Accordingly, Applicants submit that the claims as presented in the February 5, 2004 preliminary amendment are allowable. Applicants further submit that the application is hereby placed in condition for allowance which action is earnestly solicited.

Respectfully submitted,

By: 
Richard D. Ratchford Jr.
Reg. No. 53,865
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Rd.
Woodbury, New York 11797
Tel: (516) 692-8888
FAX: (516) 692-8889